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10/774,670	02/09/2004	Andrea Finke-Anlauff	042933/273645	9433

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Nokia Corporation and Alston & Bird LLP  
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EXAMINER
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DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
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2161

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/774,670	<b>Applicant(s)</b> FINKE-ANLAUFF ET AL.	
	<b>Examiner</b> CHELCIE DAYE	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9,35-39 and 48-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9,35-39 and 48-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/21/11</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is issued in response to applicant's amendment filed June 02, 2011.
2. Claims 1-9, 35-39, and 48-53 are presented. No claim added and claims 10-34 and 40-47 are cancelled.
3. Claims 1-9, 35-39, and 48-53 are pending.
4. Applicant's arguments filed June 02, 2011 have been fully considered but they are not persuasive.

**EXAMINER NOTES:** The status identifier for claim 2 should indicate "Currently Amended".

### ***Information Disclosure Statement***

5. The information disclosure statement (IDS) submitted on 02/21/2011 was filed after the mailing date of the instant application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 35, and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the claims recite "at least one of the media file representations to be enlarged when the scrolling moves... wherein the at least one of the media file representations is enlarged relative to a size of the at least one of the media file representations ...", wherein the examiner believes the claims are trying to say that the media file representation that is being enlarged, is enlarged relative to a size of "*the other*" media file representations.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**9. Claims 1-3, 7-9, 35-37, 39, and 48-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adcock (US Patent Application No. 2004/0125150) filed December 31, 2002, in view of Anthony (US Patent Application No. 2005/0091596) filed October 23, 2003.**

Regarding Claims 1, 35, and 50, Adcock discloses a non-transitory computer readable storage medium having computer-readable program

instructions embodied in the medium, the computer-readable program

instructions being configured to, when executed, direct an apparatus to:

generate a media view that provides access to at least two digital media files via at least two respective media file representations (**Fig.4; par [0031], Adcock**);

cause the at least two media file representations to be included within a column associated with a given time, wherein the column is one of a plurality of columns that are presented in the media view for inclusion of media file representations, each column within the plurality of columns being associated with a respective time (**Fig.4; par [0032], Adcock**)<sup>1</sup>;

permit scrolling, within the media view, across the plurality of columns and the associated times (**Figs.4&5; par [0031-0034], Adcock**).

However, Adcock does not expressly teach scrolling through the at least two media file representations included in the column within the media view.

On the other hand, Adcock does teach the calendar-based GUI in a week view (see Fig.4) with seven days represented by columns and each column divided by rows that correspond to time within each day. The rows may be adjusted to display hours within the days or in more detail, minutes within the days (see par [0031]). Also, Adcock states “the time within each day may be represented as a timeline with the graphical objects arranged along that timeline as space permits” (see par [0035]). It would be obvious to one of ordinary skill in

the art at the time of the invention to understand that since the Adcock invention allows for scrolling within the different days that it would also allow for scrolling within the different media files. Also if additional hours or minutes were permitted on the day view of the calendar, then scrolling would be required in order to see all of the time that was available, as well as, it being well understood within the art that the desire for scrolling is to allow for the displaying of objects on a screen that do not have the space to be displayed.

However, Adcock is not as detailed with respect to cause at least one of the media file representations to be enlarged when the scrolling moves the at least one media file representation into a position that is proximate a predefined position within the media view, wherein the at least one of the media file representations is enlarged relative to a size of the at least one of the media file representations when the at least one of the media file representations is at a position that is not proximate the predefined position.

On the other hand, Anthony discloses cause at least one of the media file representations to be enlarged when the scrolling moves the at least one media file representation into a position that is proximate a predefined position within the media view, wherein the at least one of the media file representations is enlarged relative to a size of the at least one of the media file representations when the at least one of the media file representations is at a position that is not proximate the predefined position (**Figs.5 & 12; par [0050], lines 4-11 and par**

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<sup>1</sup> Examiner Notes: Fig.4 illustrates the days of the week (Sunday - Saturday), which corresponds to the

**[0081], Anthony).** Adcock and Anthony are analogous art because they are from the same field of endeavor of displaying and organizing of digital images. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Anthony's teachings into the Adcock system. A skilled artisan would have been motivated to combine in order to provide an environment that focuses on primary objects and makes the other objects less prominent, thus enabling a user to more efficiently view, find, and select the desired objects within a GUI.

Regarding Claims 2 and 36, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the instructions are further configured to direct the apparatus to cause the at least one of the media file representations to be enlarged in an instance in which the at least one of the media file representations are moved to a position proximate a vertical centerline of the media view, the vertical centerline being associated with the given time (**Fig.12; par [0066], Anthony**).

Regarding Claims 3 and 37, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the instructions are further configured to direct the apparatus to generate the at least two media file representations within the media view such that at least two media

file representations gradually decrease in size as the given time deviates from the predefined position (**Fig.12, Anthony**).

Regarding Claims 7 and 39, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the instructions are further configured to direct the apparatus to generate the at least two media file representations within the media view such that a given one of the at least two media file representations associated with the given time is proximate a predefined position of the media view and proximate a center point of the predefined position, and wherein the given one of the at east two media file representations is an enlarged media file representation in comparison to other media file representations included in the column proximate the predefined position (**Figs.12, Anthony**).

Regarding Claim 8, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the instructions are configured to direct the apparatus to generate the at least two media file representations within the media view such that a media file representation associated with a time proximate to the vertical centerline and proximate to a center point within the column is an enlarged media file representation in comparison to other media file representations in the column proximate the predefined position (**Fig.12, Anthony**).



Regarding Claim 9, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the instructions are further configured to direct the apparatus to generate the at least two media file representations within the media view such that the at least two media file representations decrease in size as the at least two media file representations deviate from a center point (**Fig.12, Anthony**).

Regarding Claims 48 and 49, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein an enlarged media file representation is enlarged relative to media file representations associated with other times (**Fig.12, Anthony**).

Regarding Claims 51-53, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the instructions configured to direct the apparatus to permit scrolling include being configured to permit horizontal scrolling across columns of the media view and vertical scrolling within columns of the media view (**Figs.4-5, par [0034], Adcock**).

**9. Claims 4-6 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adcock (US Patent Application No. 2004/0125150) filed December 31, 2002, in view of Anthony (US Patent Application No. 2005/0091596)**

**filed October 23, 2003, further in view of Yang (US Patent No. 6,301,586) filed October 6, 1997.**

Regarding Claims 4 and 38, the combination of Adcock in view of Anthony, disclose all of the claimed features as stated above. However, Adcock in view of Anthony, are not as detailed with respect to cause a selected media file representation from the media view to be displayed in a "pop-up" view format.

On the other hand, Yang discloses a selected media file representation from the media view to be displayed in a "pop-up" view format (**columns 22-23, lines 66-67 and 1-11, respectively, Yang**). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Yang's teachings into the Adcock and Anthony system. A skilled artisan would have been motivated to combine in order to allow the selected file to be more important.

Regarding Claim 5, the combination of Adcock in view of Anthony, further in view of Yang, disclose the computer readable storage medium wherein the instructions are further configured to direct the apparatus to cause the selected media file representation from the media view to be displayed in the "pop-up" view format, wherein the "pop-up" view format exceeds the size of all other media file representations within the media view (**column 23, lines 29-31, Yang**).

Regarding Claim 6, the combination of Adcock in view of Anthony, further in view of Yang, disclose the computer readable storage medium wherein the instructions are further configured to direct the apparatus to cause the selected media file representation from the media view to be displayed in the "pop-up" view format (**columns 22-23, lines 66-67 and 1-11, respectively, Yang**), wherein the selected media file representation is chosen from the at least two media file representations associated with the given time, in an instance in which the given time is proximate to the predefined position (**par [0059-0060], Anthony**).

### ***Response to Arguments***

**Applicant argues that the rejection of the 112 2<sup>nd</sup> paragraph rejection should be withdrawn because one of skill in the art would be able to definitely construe and understand the bounds of the claims.**

Examiner respectfully disagrees. The examiner is aware and has interpreted the claims to be stating the media file that is scrolled into a particular position is enlarged compared to other media files that are not in the particular position. However, the actual claim language does not clearly convey that viewpoint. In particular, the claims state "wherein the at least one of the media file representations is enlarged relative to a size of the at least one of the media file representations when the at least one of the media

file representations is at a position that is proximate the predefined position”; the examiner is confused about the language due to the fact that it appears as if the same media file representations are being discussed. Whereas the examiner believes the claims are trying to convey that the media file representation that is being enlarged, is enlarged relative to a size of “the other” media file representations. As a result, the argument with respect to the 112, 2<sup>nd</sup> paragraph rejection is maintained.

**Applicant argues, Adcock alone or in combination with Anthony, fails to teach or suggest the two types of scrolling indicated in the claims in a single media view (i.e. the scrolling across the columns and the scrolling through the media file representations in the column).**

Examiner respectfully disagrees. To begin, Adcock teaches of a calendar-based GUI which corresponds to the media view discussed within the claims. Figs. 4 and 5 illustrate such calendar-based GUI and that particular GUI view is maintained throughout. Especially within Fig. 5 where the user is able to scroll from day-to-day (i.e. column-to-column using the arrow keys) which is associated with times; thus illustrating the first claimed scrolling. Next, Adcock teaches the calendar-based GUI in a week view (see Fig.4) with seven days represented by columns and each column divided by rows that correspond to time within each day. The rows may be adjusted to display hours within the days or in more detail, minutes within the days (see par [0031]). Also, Adcock states “the time within each day may be represented as a timeline with the graphical objects arranged along that timeline as space permits” (see par [0035]). As a whole, the

examiner believes that if all of the hours or minutes were permitted on the day view of the calendar, then scrolling would be required in order to see all of the time that was available, as well as, it being well understood within the art that the desire for scrolling is to allow for the displaying of objects on a screen that do not have the space to be displayed. Lastly, just to be clear, the general understanding of the term scroll is to move displayed text or graphics in a particular direction on a computer screen in order to view different parts of them. And also, as defined by the applicant at paragraph [0051], "scrolling is accomplished by any user input such as, mouse cursor, joystick, left or right arrow keys, touch screen, or the like". As a result, the examiner believes the above-argued feature to be taught in its entirety.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571) 272-3891. The examiner can normally be reached on M-F, 8:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye  
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July 20, 2011

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